IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.84ll of 2005

Shri Sadanand R Mhagdut and ors.. Petitioners

vs

The Grampanchayat Sawantwadi & ors...Respodents

Mr B.G. Tangsali for petitioners

CORAM: S.U.KAMDAR J.

Dated 13.l2.2005

P.C:

. By the present petition the order dated 20.l0.2005 passed in Misc C.A.No.37 of 2005 is impugned. The impugned order which has been passed has partially vacated the interim injunction granted by the trial court. The appeal court has come to the conclusion that there is existing road which is being used for last many years but the said road is not converted into pakka tar road. In that light of the matter absolute injunction granted by the trial court not to use the said area as road and disturb the possession of the plaintiff is vacated, while the order not to convert the said

road into a tar road has been confirmed. I do not find any infirmity in the order passed by the appeal court. The finding given, after considering the material, is that there is a road which is being used from last 20 years and therefore the trial court could not have granted injunction, refusing to permit the people from using the said road. In that light of the matter there is no substance in the petition. Petition therefore fails and is dismissed accordingly with no order to costs.